IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.1005 OF 2006
IN
WRIT PETITION NO.6323 OF 2005

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and registrar's Orders.	Court's or Judge's Orders

Mr.Ketan A.Chotani for applicant
Mr.Sameer R.Bhalekar for respdt.no.1 to 9

CORAM : P.V.KAKADE, J.

DATE : 7TH APRIL,2006

P.C.:

1. Heard both sides. Perused the record.

2. This is an application for direction to the lower court to proceed with the mesne profit enquiry as ordered by order dated 25.1.2002 and adjudicate upon the same.

3. It is brought to my notice that there is Stay order passed by this court to Stay the execution of the decree. However,

in my considered view, the decree should be stayed so far as direction handing over possession is concerned, but nothing be extended to the enquiry in mesne profit, in which pleadings are complete and the matter is awaiting for adjudication.

4. Hence, in the circumstances, the application is made absolute in terms of prayer clause (a) and stands disposed of. It is clarified that the enquiry regarding mesne profit should be completed and kept as it pending disposal of petition on merits. With this direction the application stands disposed of with no order as to costs.